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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,474	12/05/2003	Janne Jormalainen	887A.0004.U1(US)	1290
29683	7590	08/18/2005	EXAMINER	
HARRINGTON & SMITH, LLP			PERT, EVAN T	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	
			2826	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,474

Applicant(s)

JORMALAINEN, JANNE

Examiner

Evan Pert

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1203 & 0404.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schlager et al. (US 5,963,130).

Regarding claim 1, the Schlager et al. reference discloses:

A system for monitoring an occupancy area (Fig. 13), which system includes

- a device arranged connection with the monitored party (remote unit 402), which includes localizing means (NAV/LOC 406/432), means of communication for communication in a wireless data communication network (col. 15, lines 26-34), a processor unit (col. 15, lines 13-14) and a storage medium (410), wherein at least location information defining the limit of the said occupancy area is arranged ("REGION" 410 in Fig. 13), based on which the current status information of the monitored party is adapted to be defined (i.e. the current "positional status" of the monitored party is defined within and by the remote device 402 by output of comparator 412),
- terminal equipment arranged in connection with the monitoring party (i.e. base station 404), and
- a wireless data communication network as a means of communication between the device and the terminal equipment (XMT and RCV in view of col. 15, lines 26-34),

characterized in that said location information defining occupancy area is arranged for definition by the device (i.e. the storage circuits of the device have the boundary "region" defined in the storage of the remote unit 402), whose processor unit is adapted to define the status information of the monitored party at each time based on the current location information defined by the localizing means and on the location information arranged in the storage medium and defining the limit of the occupancy area, and wherein, according to a criterion established for the said status information, the device is adapted to transmit to at least one piece of terminal equipment information in a form established by its means of communication [cols. 13-15, especially col. 14].

Regarding claim 7, the Schlager et al. reference discloses a device for monitoring an occupancy area (Fig. 13), wherein the device arranged connection with the monitored party (402) includes localizing means (LOC), means of communication for communication in a wireless data communication network (XMT/ RCV per col. 15, lines 26-34), processor unit (col. 15, lines 13-14) and storage medium (410), wherein at least location information defining limit of the said occupancy area is arranged (i.e. "Define Geographical Region"), based on which the current status information (i.e. "positional status") of the monitored party is adapted to be defined, characterized in that the said location information defining of the occupancy area is arranged for definition by the device (i.e. the remote device 410 includes the storage of information in the form of "Define Geographical Region," so the occupancy area, or "region", is consequentially "arranged for definition by the remote device 410").

Regarding claim 8, the device 410 is fitted to perform steps to determine location (LOC), so consequentially the device is fitted to perform steps to determine its location relative to any arbitrary reference point, such as "in a network". Notably, claim 8 does not recite "in order to define its location *using* the wireless network" but instead recites "in order to define its location *in* a wireless network".)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlager et al. as applied to claims 1 and 7 above, and further in view of Cho (US 6,922,728 B2).

Claim 4

Regarding claim 4, the Schlager et al. reference is silent about the terminal equipment being "a piece of mobile terminal equipment of a kind known as such."

Yet, the base 404 (i.e. terminal equipment arranged in connection with the monitoring party) is obviously made "portable," since one of ordinary skill in the art at the time of the claimed invention would be aware of advantages of a "base station" being capable of portability, such that the terminal can be readily relocated [see MPEP 2144 for validity of motivation].

Claims 5, 6 and 9

Regarding claims 6 and 9, the Schlager et al. reference is silent about the means of communication between remote unit 402 and base unit 404 as being a "packet-connection module," although the reference does disclose that a "wireless communication network 540" is a suitable means of communication between remote device 402 and base unit 404 col. 15, line 33).

The Cho reference explains that a known type of indoor wireless connection is a wireless LAN card, or alternatively, "a wireless packet connection module." Per the Cho reference, the wireless packet connection module provides services in a packet mode by using frequency bands of 900 MHz and 1.8-2 GHz.

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to adopt a "wireless packet connection module" as the "wireless communication network" in the Schlager et al. reference, motivated for wireless communication of remote unit 402 to base unit 404, using frequency bands set aside for such communication in the ranges of 900 MHz and 1.8-2 GHz.

Regarding claim 5, in adopting the wireless packet module disclosed by Cho, one would necessarily include a terminal ID such that the remote unit 402 can connect to its corresponding terminal [col. 8, lines 46-55 of Cho].

Allowable Subject Matter

4. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

While the prior art discloses memory storage of boundary limits inside the device attached to the monitored party, the prior art fails to disclose that the information (i.e. boundary limit) is defined "using the wireless data communication network technology in which area the device is located" (i.e. claim 2) such as "defined by one or several network elements" (i.e. claim 3).

Priority

6. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Finland on December 5, 2002. It is noted, however, that applicant has apparently not filed a certified copy of the Finish application as required by 35 U.S.C. 119(b) (or the copy was not scanned into the electronic file wrapper).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Pert whose telephone number is 571-272-1969. The examiner can normally be reached on M-F (7:30AM-3:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2826

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ETP
August 15, 2005


EVAN PERT
PRIMARY EXAMINER